

**PATENT**

**Attorney Docket No. 03804.1129-00000**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of:	)	
U.S. Patent No. 5,837,531	)	
	)	
Issued: November 17, 1998	)	
	)	
Inventors: Jean-Francois DEDIEU et al.	)	Group Art Unit: Unassigned
	)	
Reissue Serial No.: Unassigned	)	Examiner: Unassigned
	)	
Filing Date of Reissue Appln.: August 31, 2000	)	
	)	
For: RECOMBINANT ADENOVIRUSES FOR	)	
GENE THERAPY IN CANCERS	)	

**ATTN.: BOX REISSUE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**REISSUE DECLARATION UNDER 37 C.F.R. § 1.175**

We, Jean-Francois DEDIEU, Aude LE ROUX, and Michel PERRICAUDET, all citizens of France, with residences and post office addresses as listed below, do hereby state and declare as follows:

1. We believe we are the original joint inventors of the subject matter which is described and claimed in United States Patent No. 5,837,531, granted on November 17, 1998, and for which a reissue patent is sought on the invention entitled, "RECOMBINANT ENDOVIRUSES FOR GENE THERAPY IN CANCERS."

**LAW OFFICES**

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FARABOW, GARRETT,  
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2. We hereby claim the benefit under 35 U.S.C. § 119(a) of the foreign application FR93/13766 filed in France on November 18, 1993. A certified copy of FR93/13766 is of record in the file of U.S. Application Serial No. 08/646,246, which gave rise to United States Patent No. 5,837,531.

3. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims in the Preliminary Amendment filed herewith.

4. We acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

5. We believe that U.S. Patent No. 5,837,531 is at least partially inoperative or invalid by reason of defective claim language.

6. An error which is a statutory basis for reissue is the lack of direct antecedent basis for the term "the EBNA 1 antigen" in claim 2. The lack of direct antecedent basis for the term "the EBNA 1 antigen in claim 2 may render the claim vague and indefinite under 35 U.S.C. § 112, second paragraph.

7. The above-described error and all other errors corrected in this reissue application arose without any deceptive intent.

**DECLARATION**  
**Reissue Application of Patent No. 5,837,531**  
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8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Post Office Address Same as above		
Full Name of Fourth Inventor	Inventor's Signature	Date
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Post Office Address		

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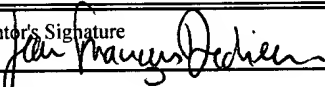
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Full Name of <b>Fourth</b> Inventor	Inventor's Signature	Date
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U.S. Patent No. 5,837,531

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Inventors: Jean-Francois DEDIEU et al.

Reissue Serial No.: Unassigned

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Group Art Unit: Unassigned

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APPLICANT: DEDIEU, JEAN-FRANCOIS : LE ROUX, AUDE  
FERRICAUDET, MICHEL

REEL: 007974 FRAME: 0407 DATE RECORDED: 05/13/96 NUMBER OF PAGES: 003  
ASSIGNOR: DEDIEU, JEAN-FRANCOIS

EXC DATE: 04/25/96

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EXC DATE: 04/25/96

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.				
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Additional name(s) of conveying party(ies) attached? [ ] Yes [X] No		Additional name(s) & address(es) attached? [ ] Yes [X] No		
3. Nature of Conveyance: [X] Assignment [ ] Merger [ ] Security Agreement [ ] Change of Name [ ] Other Execution Date (of Assignment): April 25, 1996				
4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the execution date of the application is: _____  A. Patent Application No.(s) U.S. National Stage of PCTA/R94/01284 Additional numbers attached? [ ] Yes [X] No				
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: Julie K. Smith Internal Address: Rhône-Poulenc Rorer Inc. Legal Patents, #3C43  Street Address: P.O. Box 5093  City: Collegeville State: PA ZIP: 19426-0997		6. Total number of applications and patents involved: [ ] 1 [ ] 2 [ ] 3 [ ] 4 [ ] 5 [ ] 6 [ ] 7 [ ] 8 [ ] 9 [ ] 10 [ ] 11 [ ] 12 [ ] 13 [ ] 14 [ ] 15 [ ] 16 [ ] 17 [ ] 18 [ ] 19 [ ] 20 [ ] 21 [ ] 22 [ ] 23 [ ] 24 [ ] 25 [ ] 26 [ ] 27 [ ] 28 [ ] 29 [ ] 30 [ ] 31 [ ] 32 [ ] 33 [ ] 34 [ ] 35 [ ] 36 [ ] 37 [ ] 38 [ ] 39 [ ] 40 [ ] 41 [ ] 42 [ ] 43 [ ] 44 [ ] 45 [ ] 46 [ ] 47 [ ] 48 [ ] 49 [ ] 50 [ ] 51 [ ] 52 [ ] 53 [ ] 54 [ ] 55 [ ] 56 [ ] 57 [ ] 58 [ ] 59 [ ] 60 [ ] 61 [ ] 62 [ ] 63 [ ] 64 [ ] 65 [ ] 66 [ ] 67 [ ] 68 [ ] 69 [ ] 70 [ ] 71 [ ] 72 [ ] 73 [ ] 74 [ ] 75 [ ] 76 [ ] 77 [ ] 78 [ ] 79 [ ] 80 [ ] 81 [ ] 82 [ ] 83 [ ] 84 [ ] 85 [ ] 86 [ ] 87 [ ] 88 [ ] 89 [ ] 90 [ ] 91 [ ] 92 [ ] 93 [ ] 94 [ ] 95 [ ] 96 [ ] 97 [ ] 98 [ ] 99 [ ] 100 [ ] 101 [ ] 102 [ ] 103 [ ] 104 [ ] 105 [ ] 106 [ ] 107 [ ] 108 [ ] 109 [ ] 110 [ ] 111 [ ] 112 [ ] 113 [ ] 114 [ ] 115 [ ] 116 [ ] 117 [ ] 118 [ ] 119 [ ] 120 [ ] 121 [ ] 122 [ ] 123 [ ] 124 [ ] 125 [ ] 126 [ ] 127 [ ] 128 [ ] 129 [ ] 130 [ ] 131 [ ] 132 [ 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] 508 [ ] 509 [ ] 510 [ ] 511 [ ] 512 [ ] 513 [ ] 514 [ ] 515 [ ] 516 [ ] 517 [ ] 518 [ ] 519 [ ] 520 [ ] 521 [ ] 522 [ ] 523 [ ] 524 [ ] 525 [ ] 526 [ ] 527 [ ] 528 [ ] 529 [ ] 530 [ ] 531 [ ] 532 [ ] 533 [ ] 534 [ ] 535 [ ] 536 [ ] 537 [ ] 538 [ ] 539 [ ] 540 [ ] 541 [ ] 542 [ ] 543 [ ] 544 [ ] 545 [ ] 546 [ ] 547 [ ] 548 [ ] 549 [ ] 550 [ ] 551 [ ] 552 [ ] 553 [ ] 554 [ ] 555 [ ] 556 [ ] 557 [ ] 558 [ ] 559 [ ] 560 [ ] 561 [ ] 562 [ ] 563 [ ] 564 [ ] 565 [ ] 566 [ ] 567 [ ] 568 [ ] 569 [ ] 570 [ ] 571 [ ] 572 [ ] 573 [ ] 574 [ ] 575 [ ] 576 [ ] 577 [ ] 578 [ ] 579 [ ] 580 [ ] 581 [ ] 582 [ ] 583 [ ] 584 [ ] 585 [ ] 586 [ ] 587 [ ] 588 [ ] 589 [ ] 590 [ ] 591 [ ] 592 [ ] 593 [ ] 594 [ ] 595 [ ] 596 [ ] 597 [ ] 598 [ ] 599 [ ] 600 [ ] 601 [ ] 602 [ ] 603 [ ] 604 [ ] 605 [ ] 606 [ ] 607 [ ] 608 [ ] 609 [ ] 610 [ ] 611 [ ] 612 [ ] 613 [ ] 614 [ ] 615 [ ] 616 [ ] 617 [ ] 618 [ ] 619 [ ] 620 [ ] 621 [ ] 622 [ ] 623 [ ] 624 [ ] 625 [ ] 626 [ ] 627 [ ] 628 [ ] 629 [ ] 630 [ ] 631 [ ] 632 [ 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## ASSIGNMENT AND AGREEMENT

For value received and intending to be legally bound, we, the undersigned joint inventors (Assignors), sell, assign and transfer to RHÔNE-POULENC RORER S.A. (Assignee), having a principal place of business at 20 Avenue Raymond Aron, 92165 Antony Cedex, FRANCE, and its successors, assigns and legal representatives, the entire right, title and interest in and to our invention relating to

### RECOMBINANT ADENOVIRUSES FOR GENE THERAPY IN CANCERS

as disclosed and claimed in and to the application for United States Letters Patent therefor, assigned Attorney Docket No. EX93019 US filed on \_\_\_\_\_ as Serial No. \_\_\_\_\_ as the U.S. national stage of PCT Serial No. FR94/01284 filed in the French Receiving Office on 7 November 1994, and under any and all Letters Patent which may be granted therefor, and all right, title and interest in and to every patent application filed or to be filed on said invention in the United States, including renewals, revivals, continuations, divisions and any substitute applications of said United States application, and any and all patents which may issue thereon, and any reissues and extensions of the same.

We authorize and request competent authorities to grant and issue any and all patents on said invention to said assignee or its successors, assigns and legal representatives, or to such nominees as said assignee may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said invention in any and all countries and for vesting title thereto in said assignee, its successors, assigns, legal representatives or nominees.

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

Signed at Villejuif FRANCE on this 25<sup>th</sup> day of  
April, 1996.  
(City, State and Nation)

Signature: Jean-François Dédieu

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